Concordia University Students' Association inc

Association des Etudiants et Etudiantes de l'Université Concordia inc

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CONCORDIA UNIVERSITY STUDENTS' ASSOCIATION

ONE HUNDRED AND EIGHTEENTH MEETING OF THE BOARD OF DIRECTORS
HELD ON THURSDAY, NOVEMBER 29, 1990 AT 5:00 P.M.
IN ROOM H-662, HALL BUILDING, SIR GEORGE WILLIAMS CAMPUS

1. CALL TO ORDER

Chairperson, Angie Pacheco, called this meeting to order at 5:08 p.m.

2. ROLL CALL

PRESENT

CO-PRESIDENTS
Tammy Powell

ARTS AND SCIENCE
Anne-Marie Clarke
Hernani Farias
Bishara Hilal
David Schwalb

COMMERCE
Karen Cox
Michael Drolet
Jennifer Kalman

ENGINEERING
Jarno Makkonen

ABSENT
Arts and Science: Sandra Branker, Ariel Deluy, Melodie Sullivan
Commerce: Katherine Kruse (w/r).
Engineering: Duen Lup Tsui
Fine Arts: George Liem

3. APPROVAL OF AGENDA

Be It Resolved That the Agenda of the 118th meeting of the Board of Directors be approved.

MOTION FOR INTERIM CHAIR

Moved by: T. Powell
Seconded by: J. Makkonen

VOTE ON MOTION FOR INTERIM CHAIR **UNANIMOUS**

MOTION FOR APPROVAL OF AGENDA

Moved by: J. Makkonen
Seconded by: B. Hilal

J. Makkonen suggested that everything after item 3.0 be wiped off the agenda and replaced by:
4.1 Arbritation Issue
4.2 Constitutional Committee
5.0 Adjournment

Moved by: J. Makkonen
Seconded by: B. Hilal

There were no objections to this issue.

4.1 Arbritation Issue

Be It Resolved That The Board of Directors seek to enter into binding arbritation with respect to the grievances against Mr. Stuart Letovsky, specifically the legality of the Board and Mr. Letovsky's position.

Be It Further Resolved That the arbritator be agreed upon by Mr. S. Letovsky, Miss T. Powell and the Board of Directors.

Moved by: D. Schwalb
Seconded by: B. Hilal

J. Makkonen requested that the motion be amended to:

Be It Resolved That the Board of Directors of CUSA seek a declaratory judgement with respect to the grievances against Mr. Stuart Letovsky, specifically the legality of the Board and Mr. Letovsky's position, and all other relevant elements pertaining to CUSA.

Moved by: J. Makkonen
Seconded by: D. Schwalb

H. Farias asked J. Makkonen that in light of possible expansion of arbritation , that other issues be outlined under this specific one, such as the legality of the Board, the legality of Judicial Board, Mr. Letovsky's position, the CUSA by-elections and clarification of checks and balances of power between the Board and the Co-Presidents.

T. Powell asked if this is going in item 4.1 or 4.2. H. Farias replied that it is going in item 4.1 to clarify the gray areas of where the Co-Presidents make decisions, the board and which of the two takes precedence. He also said a good example would be the administration, the support staff and how they perceive who their superior is. H. Farias said that this also implies the hierarchy of CUSA in terms of checks and balances. D. Schwalb said that the petition will permit to provide input and look at this area over.

M. Spowart asked if this declaratory judgement is coming from the courts. D. Scwalb replied that it is.

D. Parent asked if this would be binding to any new members of the Board after the by-elections. D. Schwalb replied that this would be the case.

T. Powell said that the declaratory judgement came from going to see the lawyer yesterday. She also said that the pros and cons of arbritation or going to court were debated and that

this was the best decision reached.

H. Farias said that the petition that will be sent to court will be seen prior to going to court by another lawyer as well. D. Schwalb said that the CUSA lawyer agreed to having this petition seen as well by another lawyer.

G. Baker asked what the cost of this project would be. D. Schwalb replied that it is less expensive than an arbritation process, but that he doesn't have the exact figure. T. Powell said that an approximate price range is $1,500-$2,000.

D. Schwalb said that a declaratory judgement is a mechanism within the Quebec Civil Code that permits parties to go before a superior court judge and get a decision rendered.

J. Makkonen said that this process would be made binding on CUSA as a corporate entity,and by such CUSA will not be able to violate the recommendations of the judge.

MOTION TO CALL THE QUESTION

Moved by: B. Hilal
Seconded by: H. Farias

VOTE ON MOTION TO CALL THE QUESTION 3 / 2 / 4 CARRIED

VOTE ON MOTION 8 / 0 / 1 CARRIED

4.2 Constitutional Committee

MOTION 552

Be It Resolved That a Subcommittee of the Board of Directors be struck to review the constitution; and

This committee be given a wide madate to propose changes to both the organizational and legal structure of CUSA, including a proposal that no changes be made; and

Among its activities the committee may include consultations with CUSA's lawyer; and

This committee be delegated the power to call fully advertised Information General Meetings of the members in order to consult with them; and

The Committee must call such a meeting before it presents its' final report; and

The Committee, at its First Meeting , selects its own Secretary, who shall provide monthly written reports to the Board; and

The Committee keep minutes of its meetings, which shall be part of the aforementioned reports; and

The Committee shall meet at least twice a month; and

Quorum for meetings shall be three members of the committee.

Moved by: J. Makkonen
Seconded by: T. Dowd

B. Hilal said that there are a lot of holes in the CUSA Constitution and that a committee will be set up after the by-elections to work on this.

H. Farias asked J. Makkonen who of the directors will sit on this committee. He also asked to know if names would be included in this motion. J. Makkonen replied that it would be appropriate to appoint a Chairperson or Secretary for this committee

Lucie, from the Link asked why directors are looking into this, when it is difficult for them to remain impartial, and how CUSA intends on paying their legal fees when it has exhausted their budget in this area. H. Farais replied that in terms of impartiality, the directors are more experienced, and that this does not signify that students will be excluded at large. H. Farias said that fully advertised general asemblies will be called, in order to consult with the students and make sure that they provide input. He also said that in previous years CUSA's legal budget ranged somewhere between $13,000-$15,000 and that perhaps it was a shortsightedness on the part of the Co-Presidents and the V. P. Finance.

D. Schwalb said that it is unfortunate that the Co-Presidents spent this amount on the lawyer, when it could have been aired out within CUSA itself. He also said that at this point it has to be resolved in the quickest, most efficient way possible, by means of a declaratory judgement. T. Powell replied that if the Board had come before the Co-Presidents with problems they may have encountered, maybe this conflict would not have arose.

J. Makkonen said that the meetings will not be closed and that the Committee has to call an informational general meeting.

K. Cox said that legal fees are anavoidable to prevent future problems, and that changes to the Constitution would be best approved by a lawyer to make sure they are accepted under the Quebec Corporation's Act. She also said that the present lawyer knows the Constitution very well and is in the best position to judge the legality of it. D. Schwalb disagreed with K. Cox and said that if CUSA is threatened by a lawsuit, then what counts are decisions and judgements. K. Cox said that once modifications of this document have been made they should be approved to find out if they are legal or not.. She also said that some recommendations might be made, but may not necessarily have to be incorporated if the Association does not feel that it fits their needs. D. Schwalb said that there are loopholes and that is why the opinion of a judge is required.

(Time: 6:10 p.m.)

M. Drolet proposed that an amendment be made, right before "Quorum for meetings..."

The voting membership of the committee shall consist of all Board members present at any of its meetings; any other student present shall have speaking rights. The date, time, and place of each meeting shall be posted 3 school days in advance in the CUSA offices at both campuses; Meetings shall be held as of January 1991.

Moved by: M. Drolet
Seconded by: H. Farias

M. Spowart asked M. Drolet why any director could vote if they are not all informed of the happenings of the Association. M. Drolet replied that the Board will be receiving monthly reports to ensure that they are all informed.

S. O' hara said a Constitutional Committee has existed for the past three years and can be verified with the consolidated statutes. He also said that previous statutes cover this motion and that the Board is further complicating this motion. H. Farias replied that S. O' hara is the same individual who by-passed this committee last year.

H. Farias asked J. Makkonen who he intends on having as Chairperson and Secretary for this committee. J. Makkonen replied that he would like to get a named Chairperson and that the actual membership would be those people on the Board who would be interested.

G. Baker asked why directors would have voting rights and non-members only speaking rights. K. cox replied that all subcommittees of the Board have voting rights.

MOTION TO CALL THE QUESTION

Moved by: B. Hilal
Seconded by: M. Drolet

VOTE ON MOTION TO CALL THE QUESTION	5 / 0 / 4 CARRIED
VOTE ON MOTION	6 / 0 / 3 CARRIED

5. ADJOURNMENT

This meeting was adjourned at 6:20 p.m. due to loss of quorum.

Angie Pacheco, Chairperson

K. Danakas

Helen Danakas, Secretary